

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73523

William Dixon
Lisa Dixon

114 Mace Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 7, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; 12-3-106; 13-4-201; 35-5-302; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease open dump, failure to store trash in cans with tight fitting lids, failure to remove feces on a daily basis on residential property known as 114 Mace Avenue, 212 21.

On March 10, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christine Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on February 25, 2010 for removal of open dump/junk yard, remove trash and debris, remove animal feces daily, store garbage in cans with tight lids. This Citation was issued on March 10, 2010.

B. Photographs in the file taken February 25, 2010 show discarded furniture outside in the yard, including an upholstered chair. Photographs show garbage cans overflowing with bagged garbage, with no lids. Photographs show dog feces in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Notes in the file by Inspector Christina Frink state that re-inspection on March 9, 2010 found no improvement, and this Citation was issued. Re-inspection on April 6, 2010 found improvement, with the upholstered furniture removed and the dog feces cleaned up. However, photographs taken April 6, 2010 show a bed frame, table, vacuum, and other discarded furniture piled in the back yard, and trash littering the rear steps. Photographs also show five garbage cans without lids and two with lids, and at least one lidless can contains significant food waste. Respondents must store all garbage in cans with tight fitting lids, and must remove all junk, trash and debris from the yard and steps.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. Because review of the file shows that this property was cited for similar violations in March 2009, the penalty will not be rescinded.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$150.00 (one hundred fifty dollars) if the violations are corrected by May 5, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15th day of April 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer